

1. Time Extension Request

- a. Kee's Tern Subdivision  
KPB File 2013-023; [Segesser / Martin]  
Location: City of Kenai

STAFF REPORT

PC Meeting: August 9, 2021

2013

A preliminary plat was submitted to the Kenai Peninsula Borough Planning Department on January 15, 2003. The plat would create 24 lots and dedicate several rights of way. The intent was to finalize through phases. The KPB Plat Committee conditionally approved this subdivision on February 11, which was valid through February 11, 2014.

2014

On January 21, a revised preliminary plat was submitted for KPB Plat Committee review. The revised design still created 24 lots but the rights of way were to be a tract to provide private access. Conditional preliminary approval was granted on February 10, which was valid through February 10, 2015.

2015

On February 2, a time extension was requested by the surveyor, stating that the plat was in final stages. A 1-year time extension was granted by the KPB Planning Commission on February 23, extending preliminary approval to February 23, 2016.

Phase 1 of this plat was recorded on May 12, extending preliminary approval to May 12, 2016.

2016

On May 9, the surveyor requested a one-year time extension, stating that future lots may be recorded in this phased subdivision. That request was approved by the KPB Planning Commission on June 13, extending preliminary approval to June 13, 2017.

2017

On April 24, the surveyor requested a two-year time extension, stating that the owner has not yet decided to finalize the plat. The request was heard and approved by the KPB Planning Commission on June 12, extending preliminary approval to June 12, 2019.

2019

On May 24, the surveyor requested a one-year time extension, stating that the owner has not decided to finalize the subdivision. The request was heard and approved by the KPB Planning Commission on July 15, extending preliminary approval to July 15, 2020.

2020

On May 15, the surveyor requested a one-year time extension, stating that the owner has not decided to finalize the subdivision.

Notice of the time extension request was emailed and mailed to the City of Kenai on May 18, 2020. The City of Kenai Planning and Zoning Commission has reviewed and given the City Planner approval to submit a letter approving the time extension request at their June 10, 2020 meeting.

The request was heard and approved by the KPB Planning Commission for a one-year time extension extending to July 13, 2021.

2021

On June 20, the surveyor requested a two-year time extension, stating that the owner is finalizing the plat.

Notice of the time extension request was emailed to the City of Kenai on July 14, 2021.

The City of Kenai Planning and Zoning Commission heard the time extension at their regularly scheduled meeting on July 28, 2021. The City Planner was authorized to submit a letter approving the time extension request. The Kenai Planning and Zoning Commission did not object to the time extension to February 11, 2023. Anything beyond that date will be 10 years from the initial preliminary plat approval date and any phases not recorded will require a new preliminary plat application.

There have been no changes in the area that would affect this plat. Per the approved preliminary design there are 13 lots not yet created.

Approval of the requested time extension would extend preliminary approval to February 11, 2023, which is 10 years after the initial preliminary plat approval. The owner is put on notice that any future platting actions for this subdivision that are not finalized before February 11, 2023 must comply with current KPB Title 20 Subdivisions.

This subdivision currently contains private streets. If all phases are not completed prior to the 10 year limit, the subdivision will be required to comply with Chapter 20.80 – Private Streets and Gated Communities. The required compliance with that portion of code may require public right of way dedications that will need approval from the City of Kenai and will require action by the Kenai Peninsula Borough Plat Committee/Planning Commission.

STAFF RECOMMENDATIONS: Extend preliminary plat approval to February 11, 2023, subject to the following:

1. Copy of plat with current utility reviews being submitted with the final plat.
2. Plat must comply with Kenai Peninsula Borough Code up to February 11, 2014.
3. Any future time extensions granted will be required to comply with current subdivision code at the time of submittal including Chapter 20.80.

NOTE: An appeal of a decision of the Planning Commission may be filed to the hearing officer in accordance with the requirements of the Kenai Peninsula Borough Code of Ordinances, Chapter 21.20.250. An appeal must be filed with the borough clerk within 15 days of date of notice of the decision; using the proper forms; and, be accompanied by the \$300 filing and records preparation fee.

END OF STAFF REPORT